



**HON. SYLVIA O. HINDS-RADIX**  
*Corporation Counsel*

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**Kimberly M. Joyce**  
phone: (212) 356-2650  
email: [kjoyce@law.nyc.gov](mailto:kjoyce@law.nyc.gov)

December 2, 2022

**BY ECF**

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al*, 11-cv-5845 (LTS)

Your Honor:

This letter is respectfully submitted on behalf of defendants the City of New York ("City") and the Department of Correction ("DOC" or "the Department") (collectively, "defendants") in response to the Court's order dated December 1, 2022, in connection with the parties' proposed order on facility supervisors submitted on November 30, 2022, directing the City to "file a supplemental declaration explaining why exemption from that statute [Public Officer Law § 3] is sought in connection with the relief set forth in the proposed order, by December 5, 2022." (Dkt. 487)

Upon further review, and having consulted with the Department of Citywide Administrative Services, the City withdraws its request seeking the Court waive Public Officers Law § 3. Waiver of that provision has been determined not to be necessary because Facility Supervisors will not be classified in the Correction Services classification and will not be peace officers.

I thank the Court for its consideration of the parties' proposed order on facility leadership. If the Court requires an updated proposed order on facility leadership with removal of Public Officers Law § 3 the undersigned will expeditiously facilitate the signing and filing of an updated proposed order.

Respectfully submitted,

/s/ Kimberly M. Joyce

Kimberly M. Joyce  
Senior Counsel

CC: BY ECF  
*All counsel of record*